

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	No. 4:07-CR-00422
	:	
v.	:	(Judge McClure)
	:	
ALBERT LEO BERRETTINI, JR.,	:	
MARY ANN BERRETTINI	:	
	:	
Defendants	:	

**O R D E R**

March 11, 2008

**BACKGROUND:**

On October 25, 2007, a grand jury sitting in the Middle District of Pennsylvania returned an indictment against defendants Albert Leo Berrettini, Jr. and Mary Ann Berrettini setting forth a number of tax related charges.

Before the court is United States' Motion for Psychiatric and/or Psychological Examination and Hearing to Determine Mental Competency of Defendants, filed February 14, 2008. A brief in support of the motion was filed the same day.

On February 25, 2008, defendants, proceeding pro se, filed a document entitled "Objection to Mental Evaluation and Offer of Proof as Presented by Affidavit of Albert Leo Berrettini, Jr. and Mary Ann Berrettini". That document was accompanied by affidavits of Robert James: Fox, Michael E. Canavan and

Elizabeth McKinery. The court considers the foregoing “Objection” as defendants’ brief in opposition to the motion of the United States.

The government filed a reply brief in support of the motion on March 10, 2008.

By order of February 28, 2008, the court continued jury selection to a date to be determined upon disposition of the pending motion.

The court finds based upon the entire record in the case to date that there is sufficient question as to the mental competency of both defendants to warrant a psychiatric examination of each defendant.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Doctor Robert L. Sadoff is directed to conduct a psychiatric examination of each defendant and file a psychiatric report as to each defendant with the court pursuant to the provisions of § 4247(b) and (c) of Title 18, United States Code, cost to be borne by the government.
2. The psychiatric examinations and reports are authorized under and pursuant to § 4241(b) of Title 18, United States Code.
3. The examinations are ordered to determine whether either defendant is suffering from a mental disease or defect rendering him or her mentally

incompetent to the extent that he or she is unable to understand the nature of the consequences of the proceedings against him or her or to assist properly in his or her defense.

4. The examinations shall be completed and the psychiatric reports filed in accordance with 18 U.S.C. § 4247(c) within thirty (30) days of the date of this order.

5. Upon review of the psychiatric reports, the court will schedule a hearing, if then deemed appropriate.

6. Each psychiatric examination shall take place at a date, place and time to be determined by Doctor Sadoff, after consultation with the defendants, giving due consideration to the reasonable concerns of defendants. Doctor Sadoff's address is 261 York Road, Jenkintown, PA, 19046, telephone: 215-887-6144.

7. The clerk is directed to mail a copy of this order to Doctor Sadoff.

8. The clerk is directed to send to Doctor Sadoff a docket sheet and a complete copy of the record in this case.

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge

